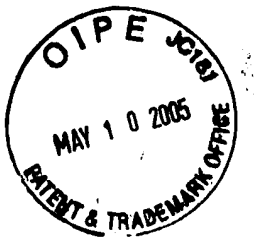
I hereby certify that this correspondence is being deposited on March 6, 2005 with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Scott R. Hansen, Reg. No. 38,486



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Group Art Unit: 3728
Tracy E. Grim et. al.	:	Examiner: Marie Patterson
Title: **Footgear With Pressure Relief Zones**	:	
Serial No.: 09/592,462	:	
Filed: June 9, 2000	:	

Mail Stop Fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REISSUE OF U.S. PATENT NO. 5,761,834
GRANTED JUNE 9, 1998
PETITION UNDER 37 C.F.R. 1.47

Sir:

Applicant respectfully petitions for acceptance of the attached Reissue Declarations signed by two of three inventors and by the assignee in this case. The third inventor, Eric Montag could not be reached or found after a diligent effort. The last known address for Mr. Eric Montag is 7438 Wish Avenue, Van Nuys, CA 91406.

Attached to this petition are the following:

Exhibit A – Abstract sheet of parent U.S. Patent No. 5,761,834

Exhibit B – Declaration of Kent Webster on behalf of Assignee, Royce Medical Company ("Royce").

Exhibit C – Reissue Declaration of Tracy E. Grim

Exhibit D – Reissue Declaration of Kevin O'Donnell

Exhibit E – Employee's Agreement of Eric Montag

05/11/2005 HGUTEMA1 00000016 09562462
02 FC:1463 200.00 OP

BEST AVAILABLE COPY

Exhibit F – Declaration of Eric Montag regarding parent application Serial No. 08/017,818

Exhibit G – Letter to Eric Montag dated March 21, 2003

Exhibit H – Declaration of Alan Rose

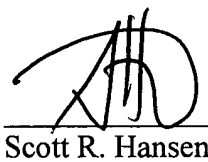
In the present case Eric Montag was an inventor in the original filed application relating to this invention Serial Number 17,818, and was an employee of the assignee Royce Medical Company at that time. However, he left Royce Medical Company soon after that initial application was filed. Mr. Montag signed a Declaration (Exhibit F) and assignment of the invention to Royce Medical Company. Further in his employment agreement with Royce (Exhibit E) he agreed to assign all inventions made as an employee, to Royce.

We have written a letter (Exhibit G) to Mr. Montag requesting that he sign a Reissue Declaration as an inventor, but we have received no response from Mr. Montag, nor has mail been returned. As you can see from the attachments to this petition, Mr. Montag signed an Employee's Agreement (Exhibit E) by which he agreed to assign all inventions made in the course of his employment, to Royce. As noted above, he also signed the Declaration filed with the original application Serial Number 08/017,818 (Exhibit F) filed February 16, 1993, and the associated assignment to Royce Medical Company.

Also attached to this petition is a Declaration of Alan C. Rose (Exhibit H) confirming efforts made to contact Mr. Montag.

In view of the foregoing background information, and the attachments to this petition, it is respectfully requested that this petition be granted, and that the Reissue Declarations be accepted.

Respectfully submitted,



Scott R. Hansen, Reg. 38,486
Attorney for Applicant

FULWIDER PATTON LEE & UTECHT LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: 310/824-5555
Facsimile: 310/824-2769
88983.1

MAY 1 0 2005
PATENT & TRADEMARK OFFICE

PTO/SB/51S (09-04)
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SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)

Attorney Docket Number	ROYCE-66774
First Named Inventor	Tracy E. Grim
COMPLETE if known	
Application Number	09/592,462
Filing Date	June 9, 2000
Art Unit	3728
Examiner Name	Marie D. Patterson

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Tracy E.		Grim	
Inventor's Signature		Date	3/21/05
Name of Second Inventor: ☑ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Kevin R.		O'Donnell	
Inventor's Signature		Date	
Name of Third Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Eric G.		Montag	
Inventor's Signature		Date	
Name of Fourth Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	

☐ Additional inventors or legal representatives(s) are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)

Attorney Docket Number	ROYCE-66774
First Named Inventor	Tracy E. Grim
COMPLETE if known	
Application Number	09/592,462
Filing Date	June 9, 2000
Art Unit	3728
Examiner Name	Marie D. Patterson

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Tracy E.		Grim	
Inventor's Signature		Date	
Name of Second Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Kevin R.		O'Donnell	
Inventor's Signature	Kevin R. O'Donnell	Date	3/3/05
Name of Third Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Eric G.		Montag	
Inventor's Signature		Date	
Name of Fourth Inventor: ☐ A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	

☐ Additional inventors or legal representatives(s) are being named on the _____ supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT	Docket Number (Optional) ROYCE-66774

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)	
Royce Medical Company	
Patent Number 5,761,834	Date Patent June 9, 1998
Title of Invention FOOTGEAR WITH PRESSURE RELIEF ZONES	

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)

2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are Royce Medical Company, and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)	
Signature	Date 3/21/05

Typed or printed name and title of person signing for assignee (if assigned)

CHARLES E. BARRANTES VP & CFO

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: **Royce Medical Company**

Application No./Patent No.: **5,761,834** Filed/Issue Date: **June 9, 1998**

Entitled: **FOOTGEAR WITH PRESSURE RELIEF ZONES**

Royce Medical Company, a **corporation**,
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [☑] the assignee of the entire right, title, and interest; or

2. [] an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. [☑] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United Patent States Patent and Trademark Office at Reel **007642**, Frame **0335**, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ 2/18/2005
Signature Date

Scott R. Hansen, Reg. No. 38,486 **(310) 824-5555**
Printed or Typed Name Telephone number

Attorneys for Assignee
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggstions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT CASE

100-178

US005761834A

United States Patent [19]

Grim et al.

[11] Patent Number: 5,761,834

[45] Date of Patent: *Jun. 9, 1998

[54] FOOTGEAR WITH PRESSURE RELIEF ZONES

[75] Inventors: Tracy E. Grim, Broken Arrow, Okla.; Kevin Richard O'Donnell, Thousand Oaks; Eric Gerard Montag, Van Nuys, both of Calif.

[73] Assignee: Royce Medical Company, Camarillo, Calif.

[*] Notice: The portion of the term of this patent subsequent to Feb. 16, 2013, has been disclaimed.

[21] Appl. No.: 360,798

[22] PCT Filed: Feb. 16, 1994

[86] PCT No.: PCT/US94/01797

§ 371 Date: Jan. 6, 1995

§ 102(e) Date: Jan. 6, 1995

[87] PCT Pub. No.: WO94/18863

PCT Pub. Date: Sep. 1, 1994

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 17,818, Feb. 16, 1993, Pat. No. 5,329,705.

[51] Int. Cl.[6] A43B 13/38; A61F 5/00; A61F 5/37

[52] U.S. Cl. 36/88; 36/93; 36/95; 36/110

[58] Field of Search 36/43, 44, 71, 36/88, 95, 93, 110, 140, 155; 602/23

[56] References Cited

U.S. PATENT DOCUMENTS

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5,154,682	10/1992	Kellerman	36/44
5,197,942	3/1993	Brady	602/23
5,329,705	7/1994	Grim et al.	36/88

Primary Examiner—M. D. Patterson

Attorney, Agent, or Firm—Oppenheimer Poms Smith

[57] ABSTRACT

Footgear with an inner sole (66) having a grid of removable resilient elements to permit removal of selected elements (68) to provide relief to ulcerated or injured areas of the foot. An air bladder (64) may underlie sole (66), preferably with additional cushioning material (40) within the air bladder. A walker (12) with a soft support (20) may be provided with the inner sole within the support. Some of the removal resilient elements may have a higher density or height than others. The footgear may include an adhesively-backed resilient pad (212) to provide additional support to a region. The footgear may include means for reducing shear stress on a bottom surface of the foot. An edema patch (240) may be provided for covering an open space (248) left after a user has removed a removable section from the grid. The edema patch applies pressure to the afflicted zone of the foot (250) preventing fluids from building up.

23 Claims, 11 Drawing Sheets

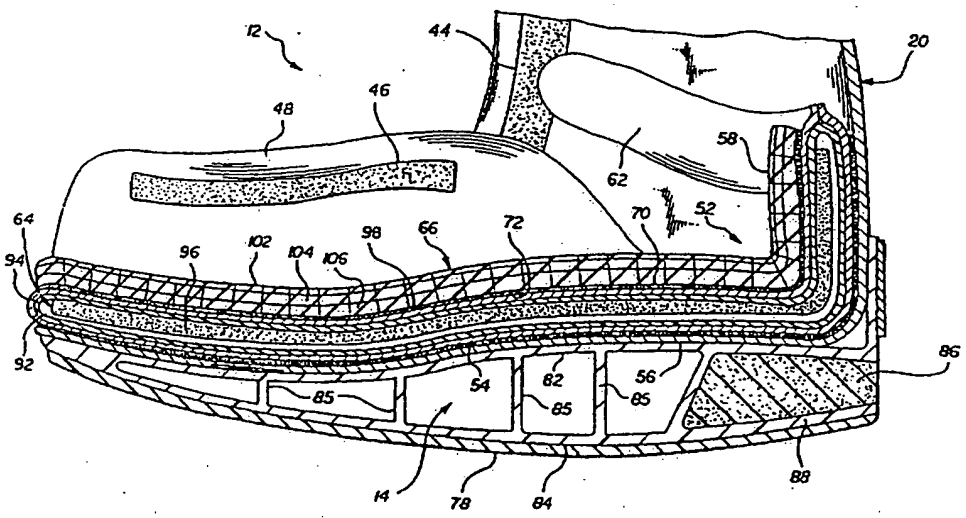


EXHIBIT A

PTO/SB/62 (05-03)
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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (optional): 480032-307

I hereby declare that:

The residence, mailing address and citizenship of the inventors are stated below.

I am authorized to act on behalf of the following assignee: Royce Medical Company

and the title of my position with said assignee is: Chief Financial Officer

and the title of my position with said assignee is: _____

The entire title to the patent identified below is vested in said assignee.

Inventor	Citizenship
Tracy E. Grim	United States

Residence/Mailing Address: 9819 S. Richmond Avenue, Tulsa, OK 74137 USA

Inventor	Citizenship
Kevin R. O'Donnell	United States

Residence/Mailing Address: 431 East Victoria St., #11, Santa Barbara, CA 93101 USA

☒ Additional inventors are named on separately numbered sheets attached hereto.

Patent	Date of Patent Issued
5,761,834	June 9, 1998

Title of Invention: FOOTGEAR WITH PRESSURE RELIEF ZONES

I believe said inventor(s) to be the original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: FOOTGEAR WITH PRESSURE RELIEF ZONES

the specification of which

☐ is attached hereto.

☒ was filed on June 9, 2000 as reissue application number 09/592,061
and was amended on Several occasions; the last being filed 1/20/04
(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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EXHIBIT B

PTO/SB/52 (08-03)
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REISSUE APPLICATION DECLARATION BY THE ASSIGNEE	Docket Number (Optional) 480032-307

At least one error upon which reissue is based is described as follows:

The claims presented in the present application are broader in some respects and narrower in other respects as compared with the claims in issued U.S. Patent No. 5,761,834. For example, the claims in this application as amended are broader in that they are not limited to a walker and do not include "means for independently modifying support of the foot provided at each section location", nor do they include a "bladder". However, the claims are more limited than the claims of U.S. Pat.No. 5,761,834 in that they include the limitation that "said grid pattern of resilient sections constituting means for providing a multiplicity of sections that sway laterally independently of one another in response to forces applied by the foot, thereby reducing shear stresses on the bottom of the foot as the user walks along".

This broadening and narrowing of the claims may be found in allowed claims 48 and 49, for examples, and in other claims.

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact

Name(s)	Registration Number
Alan C. Rose	17,047
Scott R. Hanson	38,486
Joel D. Voelzke	37,957

Correspondence Address: Direct all communications about the application to:

[] Customer Number

OR

☒ Firm or Individual Name	Alan C. Rose, Esq.				
Address	Fulwider Patton Lee & Utecht, LLP				
Address	Howard Hughes Center, Tenth Floor, 6060 Center Drive				
City	Los Angeles	State	CA	Zip	90045
Country	United States				
Telephone	(310) 824-5555	Fax	(310) 824-9696		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)
Kent Webster

Signature [signature] Date 5/19/04

Address of Assignee
Royce Medical Company, 712 Rancho Road, Camarillo, CA 93012

PTO/SB/51 (06-03)
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REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional) 480032-307

I hereby declare that:
Each inventor's residence, mailing address and citizenship are stated below next to their name.
I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,761,834 granted June 9, 1998
and for which a reissue patent is sought on the invention entitled Footgear With Pressure Relief Zones

the specification of which

☐ is attached hereto.

☒ was filed on June 9, 2000 as reissue application number 09/592,462
and was amended several times; last 1/23/04
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The claims presented in the present application are broader in some respects and narrower in other respects as compared with the claims in issued U.S. Patent No. 5,761,834. For example, the claims in this application as amended are broader inthat they are not limited to a walker and do not include "means for independently modifying support of the foot provided at each section location", nor do they include a "bladder". However, the claims are more limited than the claims of U.S. Pat.No. 5,761,834 in that they include the limitation that "said grid pattern of resilient sections constituting means for providing a multiplicity of sections that sway laterally independently of one another in response to forces applied by the foot, thereby reducing shear stresses on the bottom of the foot as the user walks along".

This broadening and narrowing of the claims may be found in allowed claims 48 and 49, for examples, and in other claims.

I hereby claim the benefit under 36 U.S.C. Sec. 120 of any United States application(s) listed below:

Application Serial No.	Filing Date	Status
08/017,818	Feb. 16, 1993	Issued

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800 PTO-9199 and select option 2.

EXHIBIT C

PTO/SB/51 (06-03)
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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional): 480032-307

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this

Name(s) Registration Number

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

OR

☒ Firm or	Alan C. Rose, Esq.				
Address	Fulwider Patton Lee & Utecht LLP				
Address	Howard Hughes Center, 6060 Center Drive, Tenth Floor				
City	Los Angeles	State	CA	Zip	90045
Country	United States of America				
Telephone	(310) 824-5555	Fax	(310) 824-9696		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)
Tracy E. Grim

Inventor's signature | Date 5/20/04

Residence 9819 So. Richmond Avenue | Citizenship USA

Mailing Address 9819 So. Richmond Avenue, Tulsa, OK 74137 USA

Full name of second joint inventor (given name, family name)
Kevin R. O'Donnell

Inventor's signature | Date

Residence 431 East Victoria St., #11 | Citizenship USA

Mailing Address 431 East Victoria St., #11, Santa Barbara, CA 93101 USA

Full name of third joint inventor (given name, family name)
Eric G. Montag

Inventor's signature | Date

Residence 7438 Wish Avenue | Citizenship USA

Mailing Address 7438 Wish Avenue, Van Nuys, CA 91406 USA

☐ Additional joint inventors or legal representative(s) are named on supplemental sheet(s) PTO/SB/02A or 02LR attached

PTO/SB/51 (06-03)
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REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional) 480032-307

I hereby declare that:
Each inventor's residence, mailing address and citizenship are stated below next to their name.
I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,761,834, granted June 9, 1998,
and for which a reissue patent is sought on the invention entitled Footgear With Pressure Relief Zones,
_____,

the specification of which

☐ is attached hereto.

☒ was filed on June 9, 2000 as reissue application number 09/592,462
and was amended several times; last 1/23/04.
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The claims presented in the present application are broader in some respects and narrower in other respects as compared with the claims in issued U.S. Patent No. 5,761,834. For example, the claims in this application as amended are broader inthat they are not limited to a walker and do not include "means for independently modifying support of the foot provided at each section location", nor do they include a "bladder". However, the claims are more limited than the claims of U.S. Pat.No. 5,761,834 in that they include the limitation that "said grid pattern of resilient sections constituting means for providing a multiplicity of sections that sway laterally independently of one another in response to forces applied by the foot, thereby reducing shear stresses on the bottom of the foot as the user walks along".

This broadening and narrowing of the claims may be found in allowed claims 48 and 49, for examples, and in other claims.

I hereby claim the benefit under 36 U.S.C. Sec. 120 of any United States application(s) listed below:

Application Serial No.	Filing Date	Status
08/017,818	Feb. 16, 1993	Issued

This collection of information is requirc ch is to file (and by the USPTO to process) an application. Confidenti minutes to complete, including gathering, preparing, and submitting t l case. Any comments on the amount of time you require to comple ation Officer, U.S. Patent and Trademark Office, U.S. Department c MPLETED FORMS TO THIS ADDRESS. SEND TO: Commissione.

EXHIBIT D

If y

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
480032-307

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this

Name(s) Registration Number

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

OR

☐ Firm or	**Alan C. Rose, Esq.**				
Address	**Fulwider Patton Lee & Utecht LLP**				
Address	**Howard Hughes Center, 6060 Center Drive, Tenth Floor**				
City	**Los Angeles**	State	**CA**	Zip	**90045**
Country	**United States of America**				
Telephone	**(310) 824-5555**	Fax	**(310) 824-9696**		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)
Tracy E. Grim

Inventor's signature	Date
Residence **9819 So. Richmond Avenue**	Citizenship **USA**
Mailing Address **9819 So. Richmond Avenue, Tulsa, OK 74137 USA**	

Full name of second joint inventor (given name, family name)
Kevin R. O'Donnell

Inventor's signature Kevin R. O'Donnell	Date 5/23/2004
Residence **431 East Victoria St., #11**	Citizenship **USA**
Mailing Address **431 East Victoria St., #11, Santa Barbara, CA 93101 USA**	

Full name of third joint inventor (given name, family name)
Eric G. Montag

Inventor's signature	Date
Residence **7438 Wish Avenue**	Citizenship **USA**
Mailing Address **7438 Wish Avenue, Van Nuys, CA 91406 USA**	

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached

ROYCE MEDICAL COMPANY

INTELLECTUAL PROPERTY AND NON-DISCLOSURE AGREEMENT (EMPLOYEE)

In consideration of my employment or continued employment as an employee by Centec/Surefit Orthopaedics Inc. or any of its subsidiaries or affiliates (the "Company") and the compensation to be paid me by the Company during my employment, I hereby agree as follows:

1. Best Efforts

I will devote my best efforts to the Company's interests throughout my employment and I will not do any work for myself or any other interest that might conflict in any way with my obligations to the Company.

2. Intellectual Property

I hereby assign to the Company, without further compensation, any and all copyrights, trademarks, inventions, processes, procedures, systems, discoveries, designs, configurations, technology, trade secrets and improvements (whether or not patentable and whether or not they are made, conceived or reduced to practice during working hours or using the Company's data or facilities) (hereinafter called "Intellectual Property") which I make, conceive, reduce to practice or acquire during my employment by the company (either solely or jointly with others), and which are related to the Company's present or planned business.

I will promptly disclose to the Company all such Intellectual Property and will assist the Company in obtaining and enforcing for its own benefit registrations or patents on such Inventions in any country. Upon request, I will execute all applications, assignments, instruments and papers, and perform all acts necessary or desired by the company to assign all such Intellectual Property fully and completely to the Company and to enable the Company to secure and enjoy full benefits and advantages thereof.

I hereby acknowledge receipt of notice from the Company pursuant to Section 2872 of Art 3.5, Chapter 2 of Division 3 of the California Labor Code (copy attached hereto as Exhibit "A"). I understand that the Company agrees that not withstanding anything to the contrary in this Section 2, nothing in this Agreement shall apply to any invention which qualifies fully under the provisions of the Section 2872 of the California Labor Code.

I understand that my obligations under this Section 2 will continue after the termination of my employment with the Company and that I will perform such obligations without further consideration, except for reimbursement of expenses incurred at the request of the Company. It shall be presumed, and I will have the burden of proving otherwise, that any Intellectual Property which would otherwise be assignable by me to the Company during my term of employment is also

EXHIBIT E

with the Company, and I will not disclose to the Company or induce the Company to use any confidential or information or material belonging to any previous employer or others.

This Agreement shall not pertain to inventions or copyrights which, prior to my employment by the Company, were conceived and reduced to practice or which were the subject of a patent application then on file in the United States Patent and Trademark Office. Such prior inventions are as follows:

a. () None.

b. () All my prior inventions are disclosed in patent applications filed prior to my employment.

c. ()

d. ()

5. Other Obligations

I acknowledge that the Company from time to time may have agreements with other persons or entities, which impose obligations or restrictions on the Company regarding Intellectual Property. I agree to be bound by all such obligations and restrictions of which I receive notice and to take all action necessary to discharge the obligations of the Company thereunder.

6. Miscellaneous

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.

This Agreement supersedes all prior agreements, written or oral, between me and the Company relating to the subject matter of this Agreement. This Agreement may not be modified, changed or discharged in whole or in part, except by an agreement in writing signed by me and the Company. I agree that any subsequent change or changes in my duties, salary or compensation shall not affect the validity or scope of this Agreement. I acknowledge that the terms and conditions of this Agreement are in effect as of this date and are deemed to apply from the date of my first employment by the Company.

This agreement will be binding upon my heirs, executors and administrators and will inure to the benefit of the Company and its successors and assigns, provided that Section 3 shall be binding upon such heirs, executors and administrators only to the extent that they obtain from me Intellectual Property of the Company.

No delay or omission by the Company in exercising any right under this Agreement will operate as a waiver of that or any other right. A waiver or consent given by the company on any one occasion is

assignable to the Company if made, conceived or reduced to practice by me within two (2) months of the end of my employment with the Company, and I hereby assign such Intellectual Property to the Company.

3. Proprietary Information

I recognize that my relationship with the company is one of high trust and confidence by reason of my access to and contact with the trade secrets and confidential and proprietary information of the Company. I will use my best efforts to protect the Company's Intellectual Property and any and all confidential, proprietary or secret information relating to the Company's products, services, clients, customers or business operations or activities (collectively called "Proprietary Information").

I will not during my employment with the Company or at any time thereafter disclose to others or use for my own benefit or for the benefit of another any Proprietary Information (whether or not learned, obtained or developed solely by me or jointly with others).

My undertakings and obligations under this Section 3 will not apply, however, to any such proprietary Information which: (a) is or becomes generally known to the public through no action on my part; (b) is generally disclosed to third parties; or (c) is approved for release by written authorization of the Board of Directors of the Company.

Upon termination of my employment or at any other time upon request, I will promptly deliver to the Company all notes, memoranda, notebooks, drawings, records, reports, files and other documents (and all copies of reproductions of such materials) in my possession or under my control, whether prepared by me or others, which are secret, confidential or proprietary to the Company, as well as any other documents prepared by me on behalf of the Company or received by the Company during my employment with the Company. I acknowledge that this material is the sole property of the company. I further represent that in the event I seek employment with any one else competitive with the Company, I will disclose this Agreement to them.

4. Absence of Restrictions Upon Disclosure and Competition

I hereby represent, except as disclosed in writing to the Company, as follows: I am not bound by the terms of any agreement with any previous employer or other party to refrain from using or disclosing any trade secret or confidential or proprietary information which need be disclosed or used by me in the course of my employment with the Company or any agreement to refrain from competing, directly or indirectly, with the business of such previous employer or any other party:

I further represent that my performance of all the terms of this Agreement and as an employee to the Company does not and will not breach any agreement to keep any confidential information, knowledge or data acquired by me in confidence or in trust prior to my employment

effective only in that instance and will not be construed as a bar to or waiver of any right on any other occasion.

I expressly consent to be bound by the provisions of this Agreement for the benefit of the company or any subsidiary of affiliate thereof to whose employe I may be transferred without the necessity for any re-execution of the Agreement at the time of such transfer.

This Agreement is governed by and will be construed as a sealed instrument under and in accordance with the laws of the State of California.

Date Signed by Employee: 7-7-92, _____
Signature of Employee

ERIC G. [illegible]
Printed Name of Employee

Agreed to and accepted by:

Dated: 7-7-92

By: _____
Name

Title: SR ENGINEER, R&D

NOTICE TO EMPLOYEE PURSUANT TO SECTION 2872 OF ART 3.5, CHAPTER 2 OF DIVISION 3 OF THE LABOR CODE

The attached Agreement between the Company and the Employee does not apply to an invention for which no equipment, supplies, facility, or trade secret information of the Company was used and which was developed entirely on the Employee's own time, and

(a) which does not relate

(1) to the business of the Company or

(2) to the Company's actual or demonstrably anticipated research or development, or

(b) which does not result from any work performed by the Employee for the Company.

Declaration and Petition

(X) Original () Supplemental () Substitute () PCT () Design

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and join inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled FOOTGEAR WITH PRESSURE RELIEF ZONES

(*check one*) [] is attached hereto. [] was filed on _____ as Application Serial No._____and was amended on _____(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

					Priority claimed	
(Number)	(Country)	Day/month/year filed	Yes	No	[]	[]
(Number)	(Country)	Day/month/year filed	Yes	No	[]	[]

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please send all correspondence to:
POMS, SMITH, LANDE & ROSE
2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-5010
Attn: Alan C. Rose
(310) 788-5000

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor Tracy E. Grim
Inventor's signature Tracy E. Grim Date 2/16/93
Residence 3010 W. Boston Court, Broken Arrow, Oklahoma 74012
Citizenship U.S.A.
Post Office Address Same as above

EXHIBIT F - SER. NO. 08/014,818

Full name of sole or second inventor Kevin Richard O'Donnell
Inventor's signature Kevin R O'Donnell Date 2/16/93
Residence 282 West Sidlee Street, Thousand Oaks, California 91360
Citizenship U.S.A.
Post Office Address Same as above
Full name of sole or third inventor Eric Gerard Montag
Inventor's signature Eric Gerard Montag Date 2/16/93
Residence 7438 Wish Avenue, Van Nuys, California 91406
Citizenship U.S.A.
Post Office Address Same as above

OPPENHEIMER

OPPENHEIMER WOLFF & DONNELLY LLP

2029 Century Park East, Suite 3800
Los Angeles, CA 90067-3024

310.788.5000
Fax 310.788.5100

Direct Dial: 310.788.5030
E-Mail: ARose@oppenheimer.com

Brussels Orange County
Los Angeles Paris
Minneapolis Silicon Valley
New York Washington, D.C.

oppenheimer.com

March 21, 2003

Mr. Eric Montag
7438 Wish Avenue
Van Nuys, CA 91406

Re: Royce Medical Company
Client Matter No.: 480032-307
U.S. Reissue Patent Application Serial No. 09/592,462
Title: "FOOTGEAR WITH PRESSURE RELIEF ZONES"

Dear Eric:

We are trying to reissue the above application and wish to ask for your help in this effort.

We are enclosing a Declaration which we would like you to sign, and we are also enclosing a copy of (1) the issued patent, and (2) the claims which are presently in the reissue application.

If you would sign the Declaration and return it to me it would be appreciated.

If you have any questions, please give me a call.

Your cooperation will be appreciated, and if at some time we can cooperate with you in some way, we will be pleased to do so. Thank you.

Best regards,

Alan R.

Alan C. Rose
OPPENHEIMER WOLFF & DONNELLY LLP

ACR:jst

Enclosed:
(1) Declaration
(2) Parent Patent
(3) Claims

EXHIBIT "G"

I hereby certify that this correspondence is being deposited on 5/27, 2004 with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alan C. Rose

Alan C. Rose, Reg. No. 17,047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Group Art Unit: 3728
Tracy E. Grim et. al.	:	Examiner: Marie Patterson
Title: **Footgear With Pressure Relief Zones**	:	
Serial No.: 09/592,462	:	
Filed: June 9, 2000	:	

Mail Stop Fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ALAN C. ROSE

I, Alan C. Rose, hereby declare as follows:

1. All of the attachments to the associated petition under 37 C.F.R. 1.47 are true copies from our attorney files relating to the above-identified patent application and the parent U.S. Patent No. 5,761,834.

2. I am informed and believe that the letter attached to the Petition as Exhibit "G" was actually sent to Mr. Montag at the indicated address with the indicated enclosures, on or about March 21, 2003; and I had previously requested from Mr. Montag's associates at Royce Medical Company, the latest address for Mr. Montag, and it was the address listed on the letter attached hereto as Exhibit G.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,

Date: 5/27/04

By: Alan C. Rose

Alan C. Rose (Reg. No. 17,047)

53825.1

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